

December 2, 2010, is used to determine its timeliness. As it was within 30 days of the issuance of the November 2, 2010 preliminary overpayment decision as required by 20 C.F.R. § 10.432, it is considered timely.³ The case will be remanded to OWCP for a decision on waiver as requested by appellant.

IT IS HEREBY ORDERED THAT the December 2, 2010 decision of the Office of Workers' Compensation Programs is set aside and the case remanded for further proceedings consistent with this order of the Board.

Issued: October 26, 2011
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Alec J. Koromilas, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

³ Where OWCP neglects to retain the postmarked envelope that contained the request, the date of the letter shall be used for the purposes of determining the timeliness of the request. *See James B. Moses, 52 ECAB 465 (2001).*